

**BOARD OF ADJUSTMENT/ PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**Monday, April 26, 2021 @ 4:00 PM**  
**CITY OF LAS VEGAS COUNCIL CHAMBERS**  
**1700 NORTH GRAND AVENUE, LAS VEGAS, NEW MEXICO**  
In Person – recorded on YouTube

Chairman Mack Crow called the City of Las Vegas Planning & Zoning Commission meeting to order at 4:01 pm. Mr. Crow than requested a roll call.

ROLL CALL: 1<sup>st</sup> time

Present:

Mack Crow

Joe Coca

Dianne Lindsey

Eugene Romero

Manny Barela

Absent:

Mike Sweeney (Excused)

Staff Members Present:

Ben Maynes, Bldg. Code Supervisor

Maria Perea, P&Z Coordinator

Chairman Mack Crow asked that the minutes reflect that there is a quorum. Then he asked that everyone stand up to recite the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Chairman Crow stated that next was the Approval of the Agenda and that there were two items on the agenda and read the information. He asked for a motion to approve the agenda as presented. Motion made to approve the agenda by Mr. Eugene Romero, motion seconded by Mr. Manny Barela. Chairman Crow asked all in favor of approving the agenda, say "Aye". All members said "Aye". All opposed say nay. No opposition. Chairman Crow stated the motion was approved as presented.

**APPROVAL OF MINUTES**

Chairman Crow stated that next on the agenda was the approval of minutes for March 29, 2021. Chairman Crow stated that he found only one grammatical error in the minutes, which was very minor. Ms. Maria Perea asked what the correction was. Chairman Crow stated that on Page 3, the third paragraph up from the end, where Mr. Eugene Romero asked again, were this people invited to the google meeting, it should be these. Chairman Crow asked Maria to make the correction. Motion to approve the minutes as corrected was made by Mr. Manny Barela, motion was seconded by Ms. Dianne Lindsay. Chairman Crow asked all in favor of approving the minutes with the corrections say "Aye". All members said "Aye". All opposed say "Nay". No opposition. Chairman Crow stated that the minutes are approved as submitted and corrected.

**OLD BUSINESS**

1. Chairman Crow stated that the first item on the agenda was the continuation of tabled item, review and approval of Board of Adjustment / Planning & Zoning Commission by-laws and rules of procedure. Chairman Crow asked if the Commission was ready to proceed. He stated that he reviewed the bylaws and did not see anything out of the ordinary, they were standard and fair. He again asked what the Commission wanted.

Ms. Lindsay stated that there was some new information submitted, so she was not sure what motion to make. Chairman Crow stated that he was talking about the By-laws and Rules of Procedure. Ms. Lindsay stated she was talking about the note received in the packets about talking to people outside of the meeting.

Ms. Perea stated that information was put in the packets for the Commission that way you know that if the applicants or anyone we send a notice to tries to call you, you just tell them you cannot talk about this until the meeting. It is something she has been thinking about, as some of the people sent notices to wanted phone numbers and email addresses for the Commissioners. She stated that they could not contact them between meetings, trying to talk to you and put pressure on you. She stated that the applicant, the people that were sent a notice to, the Councilors, they cannot call you and put pressure on you for your vote, it is illegal.

Ms. Lindsay asked if this should be included in the By-laws. Ms. Perea stated no, and Mr. Maynes stated it was a legal term. Ms. Perea again stated the reason she put the information in the packets. Mr. Maynes stated that it is a typical term that comes up, it is ex parte communication and advised that they could look it up. Ms. Perea stated again that the reason that was provided was because she received numerous calls asking for telephone numbers and emails.

Ms. Lindsay asked, so it all has to be done here? Ms. Perea responded yes.

Mr. Romero asked if they had questions on an exhibit that they have to study for the meeting and they do not feel that there is enough information in the packets, is it legal for us to call. He asked if they would have to call Ben or Maria to show them the property or whatever the situation is or call the applicant to show them the property. Ms. Perea stated no. Mr. Romero asked neither or. Ms. Perea stated no, as she provides as much information as possible in the packets. She stated that they can call her and ask for a bigger picture of the area and she could provide that if it is in the packet. Ms. Perea stated that they could drive down there.

Mr. Romero asked what if they are not specifically sure of the area. He stated, to bring up the past, when he was a council member, they were able to speak to the applicants or to the situation and say, can you show us what you want, what you are thinking of doing, to educate themselves.

Mr. Maynes stated that they could go by themselves, but you cannot take the applicant, then it becomes ex parte communication. Ms. Perea stated that staff could not take them either, because that would be the same.

Chairman Crow stated that the Commission had digressed for a moment and that they were supposed to be considering the review of the Board of Adjustment / Planning & Zoning Commission By-laws and Rules of Procedure. Chairman Crow asked if the Commission wanted to approve them or to, we want to extend them further.

Ms. Lindsay stated that she wanted to hold off on that as she had not reviewed them, and she had not reviewed them, and she did not know if anyone else had. Ms. Lindsay made a motion to table the By-Laws and Rules of Procedure until the next meeting, Mr. Barela seconded the motion. Chairman Crow asked if it could be a voice vote or not. Chairman Crow asked all in favor of tabling the By-laws say "Aye", all said "Aye"; all opposed say "Nay", none opposed. Chairman Crow stated that the motion passes and the By-laws are tabled until next meeting.

Chairman Crow continued and stated that they were only six pages long and they take about fifteen minutes to read. He encouraged the Commissioners to review them as they have been postponing for months. He stated that Maria had the information, and she could email it to them and that they had to get this done.

Chairman Crow stated that before proceeding to the second item on the agenda, he had to swear in everyone. He asked that everybody that is going to testify.

Mr. Maynes interjected and stated that they could have a short work session between the Commissioners before they reviewed it again. He stated that they could have a little training on their own, you could have a special workshop/session.

Chairman Crow stated he did not want training, that he could read, and he could understand. Mr. Maynes stated that we all must be on the same page. Chairman Crow stated asked that they move on with the next issue on the agenda.

2. Chairman Crow stated that the second item under old business is the continuation of the tabled Application submitted by Alejandro J. & Sharon M. Rivera for a Zone Change from an M-1 (Light Manufacturing Zone) to an R-3 (Mixed Residential Zone) for property located at 701 Pecos Street. Purpose of the zone change is to sell lots for residential use and allow purchasers to place mobile homes on property. He then asked all those who planned to give testimony on this to please stand up, raise their right hand to be sworn in. All were sworn in.

Chairman Crow asked if Mr. & Ms. Rivera were present, which they were. He asked the Rivera's if they wanted to do their presentation again or if they felt that one time was good enough. Ms. Rivera stood up and stated that they would like to hear from the other people had to say on the project. Chairman Crow asked if they wanted to reverse the program and Ms. Rivera stated whatever.

Chairman Crow stated that it made no difference to him and asked that those that were opposed to this project to present their observations and comments now and asked Mr. Saiz to come up.

Mr. Saiz stated that he wanted to know what he was up against, so he knows how to answer.

Chairman Crow stated that he could tell him what he was up against to a point. He stated that Mr. & Ms. Rivera wanted to change the zoning on that particular property from light manufacturing to a mixed residential for property located at 701 Pecos Street. The purpose of the zone change is to sell lots for residential use and to allow purchasers to place mobile homes on the property. He continued that last meeting that we were at, it was proven that Maria sent out letters to all the interested parties. He stated that the documentation was in the packets showing people's names and that they were sent by U. S. Postal Service to the individuals that need to have it. It was also published in the Optic, but he did not know what date it was published. Ms. Perea stated that it was April 9. Chairman Crow repeated the date and stated he saw it at the bottom of the page. He stated that at the last meeting there were issues with the sizes of the lots. As he understood it, instead of using one lot they were going to use two lots for the mobile homes. It was also brought out that there were concerns about water taps and he believed that it was determined that for the properties involved there were five (5) water taps available. He continued that they were going to use one structure with two lots, which makes it about five lots and the lot size would be roughly 50' x 150'.

Chairman Crow continued that at the beginning of the meeting just prior to starting, he was handed a letter that was received at 1:30pm by Maria that was in opposition to the zone change at 701 Pecos Street. He stated that he read the letter in its entirety, and he read aloud some of the points in the letter. He continued that the letter was signed by about 21 individuals. Someone pointed that there were two more pages with a total of 40 signatures or so. Chairman Crow addressed Mr. Saiz that was the situation as he saw it. He asked Mr. Saiz to proceed.

Mr. Saiz asked Mr. Rivera if he had bought the property from the bank? Chairman Crow asked Mr. Saiz to go to the front of the room to the table between Mr. Romero and Ms. Lindsay so he could be heard.

Mr. Saiz again asked Mr. Rivera if he had bought the property from the bank, from Tony Ortega or from the City? Chairman Crow stated he had no clue.

Mr. Rivera responded, with all due respect, it does not really matter who he bought the property from. It does not have to concern Mr. Saiz who he bought it from. He stated that it was with respect, not disrespect to Mr. Saiz.

Mr. Saiz stated, with respect, and that he had investigated and if he had not heard from someone, he would have been prepared for anything, he would have known nothing until the last minute. He stated that he did not know that they could make the by-laws however they wanted them. He continued that according to the constitutional

amendment, you must follow them, but you cannot pop up your by-laws out of the blue. He spoke about a property that Mr. Rivera purchased from a Mr. Sandoval and how much he was trying to sell it for. Mr. Saiz stated that he knew how much Mr. Rivera had paid for the little piece of nothing.

Mr. Rivera responded, with all due respect, Mr. Saiz, that really has no concern whatsoever with you, whether I buy it for a dollar or twenty dollars.

Mr. Saiz continued and stated that Mr. Rivera did not live in the neighborhood. Mr. Rivera responded that he did live in the neighborhood, he used to live on the 1200 block of Pecos, and he has property there. Mr. Saiz and Mr. Rivera kept up a conversation between themselves about the properties that Mr. Rivera owns.

Mr. Rivera stated that it is a free enterprise to be able to have upward mobility and that is not the problem that is being addressed here. He advised Mr. Saiz that this was not going to be a hindrance to him, that it was going to be a positive situation. Mr. Rivera stated that what they are trying to do is simply avoid other industry from coming in. He continued that he and his wife stating that only five residences there is a blessing because there are eleven lots. He stated that he could petition and could go forward and place eleven homes there. They choose not to do so as they respect the integrity of the elderly and the young and all the individuals that live in this community. He talked about his substance abuse program and what the program provides for individuals. He stated that Las Vegas was known for a lot of stuff, such as dilapidated places, graffiti, broken bottles, drug addicts. He spoke about his family who had problems and that there was nobody to help, and they were ostracized. He also stated that the drug addicts and alcoholics are ostracized from this community, but we have them in our homes.

A small argument ensued between Mr. Rivera and Mr. Saiz, which Chairman Crow stopped. He stated that rather than the parties having a private debate which could get ungainly, he asked that each party state their position and requested the Mr. Saiz go first.

Mr. Saiz stated that the water main stopped at his meter, the telephone post is across from his place and then crosses to Commerce where there is a transformer. He stated that there were no five (5) water meters there. He stated that he did not think that there were any gas lines there. He continued that he has been waiting for 25-years to have sidewalks done and he stated that when they do the roads, they do not do the 700 block of Pecos. Mr. Saiz continued that he found out the City had installed brand new water lines but only up to the 800 block, the city paved the road, they got sidewalks. For the 700 block they do nothing, there is potholes everywhere. He stated that there used to be some trees across the street that were on city property that used to be a wind barrier. He continued that Mr. Rivera had cleaned it up good but he left all that brush right close to his home and when the wind blows in a west/southwest direction it blows all that directly towards his house. He stated that now he must keep one of his gates, which is pretty high, locked if not the wind will take it off the wheels. That is how strong the wind is there now. Mr. Saiz continued that every Friday night and every Saturday night they are breaking bottles and having a hell of a party. He stated that the police officers do not cross the tracks at night. They will pass by during the day especially lately. If there are any shootings or anything, you cannot get a police officer to cross the tracks to save your life. Also, there are dealers which they leave each other alone. Mr. Saiz stated that he did not need more drug addicts right across the street. He stated he was a disabled veteran, he had PTSD, he has dogs, he has cameras and a 7-foot fence and neighbors. He continued to imagine nowadays, young kids from 11 years of age are carrying. He continued that the last person that lived across the street and had a trailer there, when they were leaving, he lent them a set of sockets and they took them. They start borrowing little things and if you do not lend to them or give them a dollar for a drink or whatever, they can get very violent. Mr. Saiz asked (banging on the table) that who were they supposed to turn to if he has to shoot someone or somebody shoots him because Mr. Rivera parks his trailers there. Mr. Saiz stated that was his case more or less but continued that it was a little community, and it is very rough neighborhood. So far, they have not bothered his dogs, his cars, they have not tagged his house but go under the bridge, from there you can see for yourselves. Also, go to the 1200 block to where Mr. Rivera has trailers and see how he beautified there with three or four trailers in one lot. Mr. Saiz continued that he did not know the man, he was probably a good person, but he was against drug dealers. He continued talking about drug dealers, that there was some in his family on both sides, and that one of his family members was buried on West Mesa. Mr. Saiz stated that he was sorry for the druggies,

they need help. He continued that Mr. Rivera had enough money to buy any property he wants, why does not he make a small community where they can enjoy themselves and be away from decent citizens. He continued that he was getting old, and he cannot put up with stuff like that. He talked about being an alcoholic and how tough it was to break the habit.

Chairman Crow asked Mr. Rivera to come up.

Mr. Rivera thanked Mr. Saiz for sharing how he felt. He stated that he appreciated where Mr. Saiz was coming from as he clearly wants to live in harmony. He continued that the elderly are the pure of the community, this is the wisdom of a community, but that the wisdom of the community also had to address and identify individuals who are trying to beautify it. He spoke about some park in California, amount eminent domain, where they took all the residents out and placed industrial in there. They left a few portions where people came together and made something beautiful of them. He stated that he could not do it alone, he needed their support and that their help is needed to beautify that area. He continued that there is a lot of stuff going on there, broken bottles, drugs, but there are families that they need to help. He spoke about his experiences with drug addicts and alcoholics, how they were ostracized as bad people because they were addicts or alcoholics. He spoke about his father, who was both, but that he was an honest, hardworking man. He continued that they wanted to provide an opportunity for five (5) dwellings, not eleven (11) and to avoid industry from coming into the area and destroy what they have built there. Mr. Rivera stated that in the M-1 zoning, they could bring in a lot of different types of industries which will create more havoc on the roads and when people are coming in there. If they place a mobile home there, this will only be five times that things are moving in. If you get industry in there, they will go over the streets thousands of times. He stated that people already there are not going to incur any costs for utility upgrades, which is the individuals that buy the property. He spoke about some incorrect statements that had been made, and about living in harmony with each other, not hiding from each other. Mr. Rivera and Mr. Saiz started their own discussion about PTSD and how hard that was and various other subjects that had already been brought up. Mr. Rivera stated that they all had to work together to make the community great again. He then asked Mr. Maynes about what could be done in the M-1, so everyone could get educated. Mr. Maynes talked about the permitted used in the M-1 and which required a special use permit. Mr. Rivera thanked Mr. Maynes for sharing the information and stated that it would behoove them to change.

Ms. Saiz stated that he would prefer any of those instead of what Mr. Rivera wants to do and went on to explain why he had his high fence.

Mr. Rivera continued that they were trying to avoid bringing those types of industry, as the neighbors are not going to want things such as kennels with dogs barking all night long. He continued that they are trying to improve the community, not hinder anyone living there. Mr. Rivera spoke about other bridges in other communities that have art on them. He stated that if the youth were given the opportunity to use their artistic talents, they would not deface it. He continued that they had to give purpose to the youth, to individuals as a community, and to all to be part of the Las Vegas community.

Mr. Saiz asked about all the empty homes already.

Mr. Rivera asked that they all come together, not fight each other but work together to make the community beautiful. Mr. Rivera spoke about Amtrak passing through there and what they now see. That people seeing Las Vegas as not being a place to come to, because of the venue. He continued that if it looked bad here, it looks bad everywhere. He spoke about beautifying the place so that when people saw it, they might want to come here and possibly move here. He spoke about losing the youth to other communities after graduation from NMHU and LCC. He stated that history is leaving the community because they are being ignorant and stubborn and that they all had to come together as a community.

Chairman Crow asked Mr. Saiz if he had anything else he wanted to say.

Mr. Saiz stated that if Mr. Rivera wanted to make it beautiful, why does not he put nice billboards instead of the murals. He continued that Mr. Rivera could buy all the properties he wants on the other side of the tracks and put big billboards where there are lights, where the people can see them when they come in on the train and see how beautiful it is and maybe then he can welcome the people to Las Vegas. He mentioned again all the nice homes that are empty all over town. He continued with there being mix-ups in the future, about people borrowing stuff once people settle in, and then they start getting aggressive. He again talked about getting hurt or him hurting someone, who was he going to turn to or who is he going to blame.

Chairman Crow asked if Ms. Rivera had something to add.

Ms. Rivera stated that all she wanted to say was that they were jumping ahead of themselves. The properties have not even sold yet and to just say that all this going to move in there is alcoholics, drug addicts and problems.

Mr. Maynes interrupted and advised the Chair that the speaker had to introduce herself.

Ms. Rivera introduced herself and repeated what she had already said. She continued that this was not the only area that you see that kind of stuff. She, personally, would like to paint the pillars, but they have to wait permission or approval from the City to do the murals.

Mr. Saiz stated that he was not the only one who felt that way. He stated that there were 40 or 50 signatures with the letter he submitted. He stated that he could have gotten a lot more, but this was sprung on him suddenly, so he and his neighbor did what they could, since the meeting was today at 4:00pm. He continued that there were a lot of people working that could not even come. He could not miss it. He stated that ones he phoned at the last minute, they were at Dr's appointments or working until six or twelve. He continued that to begin with, there are not many jobs here in Vegas. You all live here; you know this town is going down. People are trying to bring it back up on Bridge and on Railroad, but they are not getting far. He stated that this town was going to be a ghost town in another 10 years.

Chairman Crow asked Mr. Rivera to speak again.

Mr. Rivera stated that he heard two things from what Mr. Saiz said. In one instance, Mr. Saiz states that Las Vegas does not have any people. Mr. Rivera stated that the reason we do not have any people is because we do not create opportunities for them, they are getting educated and leaving. He stated that our kids, our history, everything is leaving the community. The only way we get our people back is to start fixing the houses all over the place and asked who was buying them? He stated that the people buying those homes are retired people from California. He stated that he wanted these properties for local individuals so that they have a feeling or sense of entitlement. He stated that Las Vegas would be a ghost town if they do not figure out and identify how to retain our own people here. He continued that we must keep our people here, we also must beautify the place first. Mr. Rivera referred to what Mr. Maynes stated about what could be put there now. He continued that if they did not get approved, they could put a kennel or a lot of other things there that would not be conducive to the families living there. He stated that they were trying to keep it down to a minimum of five residents instead of bringing in another industry that could go somewhere else. He stated that they want to bring in families.

Chairman Crow asked if there were any questions from the commission .

Mr. Romero stated he had a question for Mr. Maynes and asked what constituted a mobile home park. He stated that he was reading what was submitted for a zone change to an R-3 for properties, it states a mobile home, DW homes or stick build homes. He continued that both letters of protest state that they do not want a mobile home park in their area.

Mr. Maynes spoke about the permitted uses for the M-1 and R-3 zones. He stated that both have permitted uses and that he had already read the M-1 uses. Mr. Maynes read the permitted uses in the R-3 and the uses requiring

a special use permit. He stated that the request was not for a mobile home park and asked the Chair if wanted to read the rest. Chairman Crow stated no.

Mr. Romero stated that he had a question for Mr. Rivera and asked that when he stated that you want a zone change to change or subtract the amounts of lots from 11 to 5, is that correct?

Mr. Rivera stated yes, sir.

Mr. Romero asked if there were any plans of putting any more than five on the properties?

Mr. Rivera stated, no sir. The idea is to minimize what can actually go there to have a safe environment. Whoever buys it is going to do whatever they choose to do with it. The property is under their possession to keep it to where it is harmoniously positive to the size.

Mr. Romero stated, the case being that was it was going to change from 11 lots to 5 lots in the zone change, he had another question for Maria and for the Chair and asked if it was possible that no more than 5 lots can be sold.

Ms. Perea stated that it could be stipulated in the ordinance if that is what they want.

Chairman Crow stated that there were only 5 water taps available.

Mr. Romero stated that there were 11 lots.

Chairman Crow stated there are 11 lots, but 5 water taps available.

Mr. Romero asked Maria & Ben if that was all that was allowed, 5 water taps on that property.

Ms. Perea stated that is all Mr. Rivera is asking for, that is what they are planning on.

Mr. Romero stated, that does not mean that this cannot change, right?

Ms. Perea stated that it could go lower than that as was stated at the last meeting by Ms. Rivera.

Mr. Romero stated that his question is this, if there are 11 lots and we change it from M-1 to R-3, and Mr. Rivera decides that he wants to sell 8 lots instead of 5, he can go to Utilities and ask for three more water taps? Ms. Perea stated no. Mr. Romero asked why not? Ms. Perea stated that if Mr. Rivera sells one lot at a time, they do not meet the 5,000 square foot requirement for the R-3, that is why they are doing the two lots at a time.

Mr. Romero asked, if there are 11 lots, Mr. Rivera could sell a lot and a half, and they would meet the egress? Ms. Perea state that probably not, that they would have to go through a whole different scenario. If he is going to sell one and a half lots, he will have to go to a surveyor and get a lot line adjustment and the lots must meet the 5,000 square foot requirement.

Mr. Romero stated that he understood, but his biggest question is if Mr. Rivera could get more taps, if he wanted to? Ms. Perea stated he probably could, but he does not want to.

Mr. Romero continued, point being, he wants to get all the scenarios so that he could make an educated decision. The scenario being that if we are going to vote to pass it or not to pass it, whatever it is. If it is to pass it, he wants to know if there is a way to put a stipulation that no more than 5 lots can be sold? Mr. Romero continued that you put more than five homes or sell more than five lots, if they divide them correctly. Mr. Romero continued that if Mr. Rivera had as much money as Mr. Saiz said he had, Mr. Rivera could get a surveyor and he can get every inch of property to make 5,000 square foot lots out those 11 lots as per the measurements he looked at.

Mr. Rivera stated that Mr. Romero was correct, we could get more, but we choose not to. He stated that they are willing to put that in writing because the whole purpose is to have autonomy for all the neighbors and for the people coming on board to buy those properties. Mr. Rivera stated that they had no problem stating that is what their wishes are. He continued that he could turn around and sell the property for a lot of money and someone else could come and make something big out of it, but that is not what they want and is trying to avoid by tying it up like this.

Mr. Coca asked the Chair if he could answer Mr. Romero's question and stated that he believed Mr. Romero asked how many trailers it takes to be call a trailer park. Mr. Coca stated that he believed, being a mobile home park owner himself, that they can have up to three trailers before it is considered a mobile home park provided the property is owned by one person. He continued that they could have three trailers if you own the land and own the trailers or spaces but is not a trailer park. If you add another mobile home it would go under another heading, which would be a trailer park. Mr. Coca asked Mr. Maynes if this was correct. Mr. Maynes stated that he believed that was so. Mr. Coca stated that as long as there were different owners, it is not a trailer park.

Mr. Maynes then spoke about the history, that the area north of the proposed zone change used to be an M-1 too and they sold lots two at a time. Mr. Maynes showed the Commissioners the exhibit that showed the area used to be an M-1 and now it is an R-3, and lots were combined at the top too. Mr. Maynes continued that if Mr. Rivera were to re-subdivide as Mr. Romero is talking about, the resubdivision rules are different. He continued that if Mr. Rivera wanted to combine lots 9 & 10 together and sell them, that is his prerogative as they have legal descriptions as lots 8 & 9, with metes and bound descriptions. If Mr. Rivera wants to resubdivide then the resubdivision rules apply. If Mr. Rivera wants to redesign the area, then he would fall under the subdivision rules of the state. Mr. Maynes continued that Mr. Rivera is not asking to resubdivide, he is asking for a zone change. Mr. Maynes stated that they are getting ahead of themselves because all this is just a zone change from an M-1 to an R-3 and said that the permitted used are simply different.

Mr. Romero stated that if he remembered correctly from when he was in City Council, they were trying to stop spot zoning, then asked Ben, so if it goes from an M-1 to an R-3 this would put everything in the area in the same zone? Mr. Maynes answered yes.

Mr. Barela asked Maria if the 5,000 square feet, if that applied to a single wide or a double wide? Maria responded that they could put either one in, but the 5,000 square feet applied to the property. They can put in a single wide, a double wide or build a site-built home, but only one home on those two lots.

Mr. Barela continued, if there are going to be five duplexes in there, it is going to be pretty crowded in there. Mr. Maynes asked if five duplexes or five double wides? Mr. Barela answered five double wides. Mr. Maynes stated that is the same, we cannot zone them out, it is illegal. Ms. Perea stated that double wides are usually 28 feet wide and if they put that in a 50-foot-wide lot, they have plenty of extra space. Mr. Coca stated that as long as they met setbacks. Mr. Barela stated yes, the setbacks which have to be 15 feet in front, 15 feet in back and the sides.

Ms. Perea state that the lots were big enough to meet the 15 feet in the front and back and the 5 feet on the sides because they are 50 feet wide. Ms. Perea stated that once in a while you see a triple wide, which is about 32-36 feet wide, but most people cannot afford those. She again stated the width of double wide home and that people do not usually place the home facing the road, they are placed the other way to meet the setbacks. The estimated space available was estimated as 22 feet remaining from the 50 feet and there is plenty of space on the sides.

Mr. Rivera asked to borrow the map that Mr. Maynes had shown earlier in the meeting and stated that it was fair for the individuals to have upward mobility to have DW homes, so why should it not be fair for them to make something positive for the community. He continued that they would have all the lots in the same zone, it would not be spot zoning. Mr. Rivera spoke about fairness for all, not just a portion of individuals, but also for the individuals wanting to buy these properties. He stated that we had to make it to where it benefits everybody.



Ms. Lindsay asked Mr. Maynes, as she could not remember where the MH parks are, which zone it would be in? Mr. Maynes responded that it was a permitted use in the R-3, but he is not applying for a mobile home park. Ms. Perea stated that it had to be over an acre. Ms. Lindsay repeated what Ms. Perea said and stated that there is not an acre there. Ms. Perea stated no. Ms. Lindsay asked, what if he were to apply for an R-2, would that give him the same leeway? Ms. Perea stated that the only difference between an R-2 and an R-3 was that single wides were allowed in the R-3, but they were not allowed in the R-2, double wides and site-built homes are allowed in both.

Ms. Lindsay asked how about the R-1 zone, would it be a benefit to them? Ms. Perea stated that the way Mr. Rivera wants to sell the lots as shown on the map provided, the R-2 zone requires 7,000 square feet and only lots 7 & 8, and Lots 9, 10 & 11 meet the R-2 requirements.

Ms. Lindsay stated that she had a question for Mr. Rivera and asked where Los Alamosgordos Road was and if it was around the corner or where it was? Mr. Rivera responded that Los Alamosgordos Road was off of Cinder Road going toward the State Hospital and it does not have anything to do with this. Ms. Lindsay asked Mr. Rivera if they were going to move to the Pecos area, as she noticed his mailing address was Los Alamosgordos Road? Mr. Rivera stated that is where they reside. Ms. Lindsay asked, so you do not reside on Pecos and do not plan on it? Mr. Rivera stated no, but that his brothers, his sister, and his family do live on Pecos. He stated that he had been fortunate enough to be able to purchase those properties and get them zoned for that purpose and he was blessed to be able to help his family reach upward mobility. He stated that they used to live in a trailer court. He continued that a lot of people think he has money, but he has no money, all he has is a strong back and a good mind.

Ms. Lindsay asked Mr. Rivera to help her understand why he mentioned he would live on Pecos, or he had lived there? Mr. Rivera stated that they used to live there, they started their family at 1203 Pecos Street where their children were born. The beautiful thing about upward mobility is that you can move and buy a new house after hard work and there is no crime in living in a mobile home and then moving to a house.

Mr. Saiz stated that he understood what Mr. Rivera was trying to do. He spoke about a friend of his who owns a mobile home park between Pecos and Commerce Streets. He stated that some people from old town moved into the trailer court and now it is nothing but a gang-related, drug infested neighborhood. He continued that some people on Commerce are saying that they are being ripped off. The owner of the trailer court told him that some people are not paying him rent, they are fighting with each other, they are selling drugs and he cannot get them out because of the virus. There is a big commotion there on the 1200 block of Pecos. He stated that Mr. Rivera knew about them since he was from there. He continued that it could spread further down to his location and if it does, he will be in a hell of a mess. Mr. Saiz continued that he could put up with a dog pound there across the street, rather than endangering whatever people live there. He asked if they knew that if they set a trailer right under the bridge that they are going to hear the trucks, the cars and the train and they are going to regret that they bought there. He stated that he could not do those as he soundproofed his home, but if you go outside, you hear all the commotion. He stated there were safety issues as the police do not patrol there at night, only during the day. He spoke about an incident that occurred where he overheard a conversation between police officers about where to go, but they never showed up. He stated that he has a scanner. He stated that in that neighborhood they have to protect each other as they cannot depend on the law. He made a comment about the population in the City, going from 33,000 to 12,000 and he does not see it going up.

Mr. Coca stated that the Commission has heard enough pros and cons on the project, and he made a motion to take a vote and make a decision.

Chairman Crow stated that Mr. Coca did not need to make a motion to do that, but we do need a motion one way or another so we can resolve the issue. Chairman Crow stated unless there is a tie, he is not voting. If there is a tie he will vote.

Mr. Romero made a motion to approve the zone change with a stipulation that no more than five (5) lots could be sold. Chairman Crow asked if everyone heard and repeated the motion with the change that no more than five (5) homes could be placed on the property and asked for a second. Mr. Maynes advised the chair that Mr. Romero did not amend his motion. Mr. Romero amended his motion to read “that no more than five (5) homes could be placed on the property”. Chairman Crow asked for a second. The motion was not seconded, and Chairman Crow stated that the motion dies for lack of a second and proceeded to ask for another motion.

Mr. Coca stated that he had a question for Maria and asked if there was something in the law or the ordinance that says that only a certain amount of water taps are available? Ms. Perea responded that the only moratorium she has is for water taps outside of city limits. Mr. Coca asked, not within the City? Ms. Perea stated that not within city limits and that they cannot deny anyone a water taps within city limits as long as they pay for it. It is outside of city limits where they have that authority until further notice.

Ms. Lindsay stated that it seems that the commission is stuck at the moment, and she felt that Mr. Romero’s motion was a good one, but she is concerned with all the people that are protesting and she does not know how to balance this in her mind. Chairman Crow stated that he is not being mean or disrespectful, but that is something that Ms. Lindsay has to take into consideration. Ms. Lindsay asked if they could have a little discussion, between the five of them, to work it out. Mr. Romero asked, like a closed session?

Ms. Rivera stated that Mr. Crow had mentioned that there were 20 individuals or so that had signed the letter, but that in that neighborhood there are not that many dwellings 100 feet away and said that she did not know who could have signed it.

Mr. Romero made a motion to go into closed session. Chairman Crow asked if they could do that? Mr. Rivera stood up and asked to speak. Mr. Romero stated that there was a motion on the floor, and they had to continue. Chairman Crow asked for a second and the motion was seconded by Ms. Lindsay. Chairman Crow asked that all in favor of going into closed session, say “aye”, all said “aye”; all opposed say “nay”, none opposed. Chairman Crow stated that they would now go into closed session. Mr. Maynes asked IT to turn off the recording and everyone was asked to leave the room. Time was 5:20pm. Commission returned from closed session at approximately 5:35pm.

Chairman Crow stated that we had our discussion and can continue. Mr. Romero stated that the Chairperson had to state that the meeting is called back to order. Chairman Crow stated that the meeting is called back to order, and we will continue with our work. Mr. Maynes stated that they have to come back to regular session. Chairman Crow asked for a motion, Ms. Lindsay made a motion to resume the meeting. Chairman Crow then asked for a motion. Mr. Romero made a motion to approve the zone change with the stipulation that no more than five (5) homes be put on the property, motion seconded by Ms. Lindsay. Chairman Crow asked for a roll call vote.

ROLL CALL:	Eugene Romero – Yes
	Manny Barela – No
	Joe Coca – Yes
	Dianne Lindsey – Yes

Chairman Crow stated that the motion passes as offered.

Chairman Crow asked for a motion to adjourn. Mr. Romero made a motion to adjourn the meeting, Mr. Barela seconded the motion. Chairman Crow asked all that were in favor of adjourning the meeting say “aye”. All said “aye”; all opposed say “nay”, none opposed. .

Meeting was adjourned at approximately 5:50pm.



Mack Crow, Chairperson

9-17-21

Date